



Paper No. 5

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**COPY MAILED****FEB 14 2002****OFFICE OF PETITIONS****DECISION ON PETITION**

In re Application of  
Bruce Hammock et al.  
Application No. 09/867,963  
Filed: May 29, 2001  
Title: DIHYDROXY UNSATURATED FATTY  
ACID LEVELS AS DIAGNOSTIC MARKERS

This is a decision on the petition filed January 8, 2002, requesting that the above-identified application be accorded a filing date of May 29, 2001.

Application papers in the above-identified application were filed on May 29, 2001. However, on July 27, 2001, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings as prescribed by 35 U.S.C. 113.

Petitioner asserts, in essence, that nine sheets of drawings were among the papers filed on May 29, 2001, and submits a postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, inter alia, the number of drawing sheets to be 9 and bears a United States Patent and Trademark Office date-stamp of May 29, 2001. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **granted**.

Given the basis for granting the petition, the petition fee has been refunded to Deposit Account No. 20-1430, as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of May 29, 2001, using the application papers received in the Office on that date, the nine sheets of drawings resubmitted on petition, and the oath or declaration in compliance with 37 CFR 1.63, filed January 8, 2002. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Patricia Faison-Ball at (703) 305-4497.

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